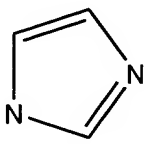
II. Claims 15-23 drawn to dye compositions comprising the compound of the formula (I) classified in various subclasses of classes 8 and 436, for example.

III. Claims 24 and 25 drawn to an oxidation method for the dyeing of keratin fibers classified in various subclasses of classes 8 and 436, for example.

IV. Claim 26 drawn to the a [sic] multi-compartment device for the oxidation dyeing of keratin fibers, classified in various subclasses of class 8 and 436, for example.

Office Action at 2.

The Examiner further requires election of a single compound or dye composition "including an exact definition of each substitution on the base molecule (Formula (I)) wherein a single member at each substituent group or moiety is selected." *Id.* at 3. The restriction and election requirements, as set forth above and on pages 2-7 of the Office Action, are respectfully traversed. However, to be fully responsive, Applicants elect, with traverse, to prosecute the subject matter of Group II, Claims 15-23, and, as a single disclosed species, the compound of formula (I) of Example 1, such that Y is a covalent bond, n is zero, and R_2 is the structure



Specifically, Applicants traverse the restriction requirement because there would be no serious burden in searching Groups I through IV together. Applicants respectfully refer the Examiner to M.P.E.P. § 803, which sets forth the criteria and guidelines for

Examiners to follow in making proper requirements for restriction. The M.P.E.P instructs the Examiner as follows:

> If the search and examination of an entire application can be made **without serious burden**, the Office **must** examine it on the merits, even though it includes claims to independent or distinct inventions.

M.P.E.P. § 803 (emphasis added).

Here, the Examiner has not shown that examining Groups I-IV together would constitute a serious burden. Rather, the Examiner admits that various groups are related as: product and process of use (Groups I, II, and III, *see* Office Action at 6), and process and apparatus for its practice (Groups III and IV, *see* Office Action at 6). The Examiner contends that the above related groups can also be distinct, but does not specify what serious burden will be placed on the Examiner if she were to proceed in examining the groups together, as required by M.P.E.P. § 803.

Applicants respectfully submit that, at a minimum, examining the claims of Groups II, III, and IV together would not impose a serious burden. Moreover, while M.P.E.P. § 803 states that "a serious burden on the examiner may be *prima facie* shown if the examiner shows by appropriate explanation of separate classification," among other things, the Examiner, instead, indicates that Groups II, III, and IV fall into the same class "subclasses of classes 8 and 436, for example." Office Action at 2.

Additionally, Applicants respectfully submit that, in particular with respect to Groups I and II, examining a novel compound and compositions comprising the novel compound does not impose a serious burden on the Examiner, especially in light of the requirement of rejoinder. *See* M.P.E.P. § 821.04.

Finally, if the Examiner chooses to maintain the election of species requirement, Applicants expect the Examiner, if the elected species is found allowable, to continue to examine the full scope of the elected subject matter to the extent necessary to determine the patentability thereof, *i.e.*, extending the search to a "reasonable" number of the non-elected species, as is the duty according to M.P.E.P. § 803.02 and 35 U.S.C. § 121.

Accordingly, Applicants respectfully request that the Office withdraw the restriction requirement and examine all Groups together.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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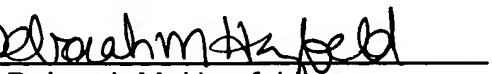
Dated: November 21, 2005

By: 
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